

REMARKS

The miscellaneous office communication of September 19, 2006 has been carefully reviewed and these remarks are responsive thereto. In a telephone conference between Examiner Winder and the undersigned on October 2, 2006, the Examiner indicated that the above communication was intended to be a Notice of Non-Complaint Amendment with a 30-day period for response and apparently was docketed as such by the Office, although the language in the communication stated otherwise. Examiner Winder indicated that she intended to withdraw this communication and issue a new communication that clearly indicated that the paper was in fact a Notice of Non-Compliant Amendment. As no such communication has been mailed according to the PAIR records of the USPTO on October 19, 2006 and the undersigned was unable to speak with Examiner and only able to leave a voicemail, Applicants are submitting the instant filing in an abundance of caution.

Reconsideration and allowance of the instant application are respectfully requested. Claims 1-6, 8-14, 21-26, and 30-34 remain pending in this application. Claims 7, 15-20, and 27-29 have been canceled without prejudice or disclaimer. Applicants repeat below the remarks and arguments presented in the Amendment filed July 7, 2006.

Preliminarily, applicants note with appreciation the indication that the application contains allowable subject matter. Specifically, claims 1-6 and 8-14 have been allowed and claim 28 has been objected to for being dependent upon a rejected base claim, but would be allowable if amended to incorporate all the features of their ultimate base claim and any intervening claims.

Claims 19-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,742,059 B1 to Todd et al. ("Todd"). Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd in view of U.S. patent no. 6,665,731 to Kumar et al. ("Kumar"); claims 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd in view of U.S. patent no. 6,487,590 to Foley et al. ("Foley"); and claim 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd in view of U.S. patent no. 6,546,419 to Humpleman et al. ("Humpleman"). Notwithstanding the merits of these rejections, applicants have canceled claims 19, 20 and 28, and amended claim 21 to incorporate the features of previously dependent claim 28, the combination of which has been identified as allowable in the action. Claims 22-26, and 30-34, ultimately depend from claim 21, and are considered allowable for the same reasons as claim 21, and further in view of the novel features recited therein.

Appln. No.: 09/894,446

Response to Notice of Non-Compliant Amendment dated October 19, 2006

Reply to Miscellaneous Letter of September 19, 2006

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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Dated: October 19, 2006

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